

1 S.127

2 Introduced by Committee on Transportation

3 Date: March 17, 2017

4 Subject: Motor vehicles; snowmobiles; vessels

5 Statement of purpose of bill as introduced: This bill proposes to make
6 miscellaneous changes to laws related to vehicles and vessels.

7 An act relating to miscellaneous changes to laws related to vehicles and
8 vessels

9 It is hereby enacted by the General Assembly of the State of Vermont:

10 ~~*** Special Plates and Placards for Persons With Disabilities ***~~

11 Sec. 1. 23 V.S.A. § 304a is amended to read:

12 § 304a. SPECIAL REGISTRATION PLATES AND PLACARDS FOR
13 PEOPLE WITH DISABILITIES

14 (a) The following definitions shall apply to this section:

15 ***

16 (6) "Eligible person" means:

17 (A) a person who is blind or has an ambulatory disability and has
18 been issued a special registration plate or a windshield placard by this State or
19 another state;

20 ~~(B) a person who is transporting a person described in subdivision~~

1 ~~(A) of this subdivision (6); or~~

2 (C) a person transporting a person who is blind or has an ambulatory
3 disability on behalf of an organization that has been issued a special
4 registration plate or a windshield placard by this State or another state for the
5 purpose of transporting a person who is blind or has an ambulatory disability.

6 * * *

7 (e)(1) A person, other than an eligible person, who for his or her own
8 purposes parks a vehicle in a space for persons with disabilities shall be ~~fin~~
9 subject to a civil penalty of not less than \$200.00 for each violation and shall
10 be liable for towing charges.

11 (2) A person, other than an eligible person, who displays a special
12 registration plate or removable windshield placard not issued to him or her
13 under this section and parks a vehicle in a space for persons with disabilities,
14 shall be subject to a civil penalty of not less than \$400.00 for each violation
15 and shall be liable for towing charges.

16 ~~(3) He or she shall~~ A person who violates this section also shall be liable
17 for storage charges not to exceed \$12.00 per day, and an artisan's lien may be
18 imposed against the vehicle for payment of the charges assessed.

19 (4) The person in charge of the parking space or spaces for persons with
20 a disability or any duly authorized law enforcement officer shall cause the
21 ~~removal of a vehicle parked in violation of this section.~~

1 ~~(5) A violation of this section shall be considered a traffic violation~~
2 within the meaning of 4 V.S.A. chapter 29.

3 * * *

4 * * * Special License Plates * * *

5 Sec. 2. 23 V.S.A. § 304b is amended to read:

6 § 304b. CONSERVATION MOTOR VEHICLE REGISTRATION PLATES

7 (a) The Commissioner shall, upon application, issue conservation
8 registration plates for use only on vehicles registered at the pleasure car rate,
9 on trucks registered for less than 26,001 pounds, and on vehicles registered to
10 State agencies under section 376 of this title, but excluding vehicles registered
11 under the International Registration Plan. ~~Plates so acquired shall be mounted~~
12 ~~on the front and rear of the vehicle.~~ The Commissioners of Motor Vehicles
13 and of Fish and Wildlife shall determine the graphic design of the special
14 plates in a manner which serves to enhance the public awareness of the State's
15 interest in restoring and protecting its wildlife and major watershed areas. The
16 Commissioners of Motor Vehicles and of Fish and Wildlife may alter the
17 graphic design of these special plates provided that plates in use at the time of
18 a design alteration shall remain valid subject to the operator's payment of the
19 annual registration fee. Applicants shall apply on forms prescribed by the
20 Commissioner and shall pay an initial fee of \$26.00 in addition to the annual
21 ~~fee for registration. In following years, in addition to the annual registration~~

1 ~~fee, the holder of a conservation plate shall pay a renewal fee of \$26.00. The~~
2 Commissioner may adopt rules under 3 V.S.A. chapter 25 to implement the
3 provisions of this subsection.

4 (b) Initial fees collected under subsection (a) of this section shall be
5 allocated as follows:

6 (1) ~~\$12.00~~ 40 percent to the Transportation Fund.

7 (2) ~~\$7.00~~ 27 percent to the Department of Fish and Wildlife for deposit
8 into the Nongame Wildlife Account created in 10 V.S.A. § 4048.

9 (3) ~~\$7.00~~ 27 percent to the Department of Fish and Wildlife for deposit
10 into the Watershed Management Account created in 10 V.S.A. § 4050.

11 (c) Renewal fees collected under subsection (a) of this section shall be
12 allocated as follows:

13 (1) ~~\$11.00~~ 42 percent to the Department of Fish and Wildlife for deposit
14 into the Nongame Wildlife Account created in 10 V.S.A. § 4048.

15 (2) ~~\$11.00~~ 42 percent to the Department of Fish and Wildlife for deposit
16 into the Watershed Management Account created in 10 V.S.A. § 4050.

17 (3) ~~\$4.00~~ 16 percent to the Transportation Fund.

18 (d) The Commissioner of Fish and Wildlife is authorized to deposit fees
19 collected by the Department of Fish and Wildlife under subsections (b) and (c)
20 of this section into the Conservation Camp Fund when the fees collected

21 ~~exceed the annual funding needs of the Nongame Wildlife Account and the~~

1 ~~Watershed Management Account~~

2 Sec. 3. 23 V.S.A. § 304c is amended to read:

3 § 304c. MOTOR VEHICLE REGISTRATION PLATES: BUILDING
4 BRIGHT SPACES FOR BRIGHT FUTURES FUND

5 (a) The Commissioner shall, upon application, issue “Building Bright
6 Spaces for Bright Futures Fund,” hereinafter referred to as “the Bright Futures
7 Fund,” registration plates for use only on vehicles registered at the pleasure car
8 rate, on trucks registered for less than 26,001 pounds, on vehicles registered to
9 State agencies under section 376 of this title, and excluding vehicles registered
10 under the International Registration Plan. ~~Plates so acquired shall be mounted
11 on the front and rear of the vehicle.~~ The Commissioner of Motor Vehicles
12 shall utilize the graphic design recommended by the Commissioner for
13 Children and Families for the special plates to enhance the public awareness of
14 the State’s interest in supporting children’s services. Applicants shall apply on
15 forms prescribed by the Commissioner of Motor Vehicles, and shall pay an
16 initial fee of \$24.00 in addition to the annual fee for registration. In following
17 years, in addition to the annual registration fee, the holder of a Bright Futures
18 Fund plate shall pay a renewal fee of \$24.00. The Commissioner shall adopt
19 rules under 3 V.S.A. chapter 25 to implement the provisions of this subsection.

20 (b) Fees collected under subsection (a) of this section shall be allocated as
21 follows:

22 ~~(1) \$7.00 29 percent to the Transportation Fund.~~

1 ~~(2) \$17.00 71 percent to the Department for Children and Families for~~
2 deposit in the Bright Futures Fund created in 33 V.S.A. § 3531.

3 (c) Renewal fees collected under subsection (a) of this section shall be
4 allocated as follows:

5 (1) ~~\$19.00~~ 79 percent to the Department for Children and Families for
6 deposit in the Bright Futures Fund in 33 V.S.A. § 3531.

7 (2) ~~\$5.00~~ 21 percent to the Transportation Fund.

8 (d) The Department of Motor Vehicles shall be charged by the Department
9 of Corrections for the production of the Bright Futures Fund license plates.

10 * * * Annual Special Excess Weight Permits * * *

11 Sec. 4. 23 V.S.A. § 305 is amended to read:

12 § 305. REGISTRATION PERIODS

13 (a) The Commissioner of Motor Vehicles shall issue registration
14 certificates, validation stickers, and number plates upon initial registration, and
15 registration certificates and validation stickers for each succeeding renewal
16 period of registration, upon payment of the registration fee. Number plates so
17 issued will become void one year from the first day of the month following the
18 month of issue unless a longer initial registration period is authorized by law,
19 or unless this period is extended through renewal. Registrations issued for
20 motor trucks shall become void one year from the first day of the month
21 following the month of issue. ~~The fees for annual special excess weight~~
22 ~~permits issued to these vehicles pursuant to section 1992 of this title shall be~~

1 ~~prorated so as to coincide with registration expiration dates.~~

2 * * *

3 * * * Temporary Registration * * *

4 Sec. 5. 23 V.S.A. § 312 is amended to read:

5 § 312. TEMPORARY REGISTRATION PENDING ISSUANCE OF
6 CERTIFICATE OF TITLE

7 (a) In his or her discretion, the Commissioner may issue a temporary
8 registration certificate to a person required to obtain a certificate of title in
9 accordance with chapter 21 of this title upon payment of the registration fee
10 provided in subchapter 2 of this chapter and of the title fee. The temporary
11 registration certificate and the number plate shall be valid for 60 days and shall
12 not be renewed. At the expiration of the temporary registration, a permanent
13 registration certificate and ~~a set of number plates~~ plate shall be issued provided
14 that all documents and information required by law are filed with the
15 Commissioner.

16 (b) The registration fee paid in accordance with subsection (a) of this
17 section shall not be refunded, except that the fee shall be deemed the fee for
18 the permanent registration, if one is issued, or shall be deemed the fee for
19 ~~another~~ an application for registration to register another vehicle, if the title
20 requirements are met during that registration period. Likewise, the title fee
21 shall be deemed the fee for the title, if one is issued, or shall be deemed the fee

1 ~~for an application to title another vehicle.~~

2 * * * Registration Transfers * * *

3 Sec. 6. 23 V.S.A. § 321 is amended to read:

4 § 321. PROCEDURE UPON TRANSFER

5 Upon the transfer of ownership of any registered motor vehicle its
6 registration shall expire. The person in whose name the transferred vehicle
7 was registered shall immediately return direct to the Commissioner the
8 registration certificate assigned to the transferred vehicle, with the date of sale
9 and the name and residence of the new owner endorsed on the back. However,
10 the Commissioner may accept any other satisfactory evidence of the above
11 required information. The transferor shall forthwith remove the registration
12 number plates from the transferred vehicle and may attach the same to another
13 unregistered motor vehicle owned by him or her. Upon the transfer of
14 registration plates from a motor vehicle, the registration of which has expired
15 as above provided, to another motor vehicle, owned by the ~~transferer~~
16 transferor, the owner or operator shall not, for a period of ~~30~~ 60 days, be
17 subject to a fine for the operation of the latter motor vehicle without the proper
18 registration certificate, provided he or she has, within 24 hours of the transfer,
19 made application, as provided in section 323 of this title, for transfer of the
20 registration number plates. If such application for transfer is not so received
21 ~~by the Commissioner, the number plates shall be returned to the Commissioner~~

1 ~~at the end of five days after the transfer of ownership~~

2 * * * Registration Fees; Local Transit Buses * * *

3 Sec. 7. 23 V.S.A. § 372a is amended to read:

4 § 372a. LOCAL TRANSIT PUBLIC TRANSPORTATION SERVICE

5 (a) The annual registration fee for any motor bus used in local transit or
6 public transportation service shall be \$62.00, except for those vehicles owned
7 by a municipality for such service that are subject to the provisions of section
8 376 of this title. In the event a bus registered for local transit or public
9 transportation service is thereafter registered for general use during the same
10 registration year, such fee shall be applied towards the fee for general
11 registration.

12 (b) As used in this section, a motor bus used in public transportation
13 service bus is a bus used by a nonprofit public transit system as defined in
14 24 V.S.A. § 5088(3), and a motor bus used in local transit bus is a motor bus
15 used entirely within or not more than ~~40~~ 100 miles beyond the boundaries of a
16 city or town.

17 * * * Exhibition Vehicles * * *

18 Sec. 8. 23 V.S.A. § 373 is amended to read:

19 § 373. EXHIBITION VEHICLES; YEAR OF MANUFACTURE PLATES

20 (a) The annual fee for the registration of a motor vehicle which is
21 maintained ~~solely~~ for use in exhibitions, club activities, parades, and other
22 ~~functions of public interest and which is not used for the general daily~~

1 ~~transportation of passengers or property on any highway, except to attend such~~
2 ~~functions, shall be \$21.00, in lieu of fees otherwise provided by law.~~

3 Permitted use shall include occasional transportation of passengers or property
4 not more than one day per week.

5 * * *

6 * * * Licenses and Permits to Operate; Refusals to Issue * * *

7 Sec. 9. 23 V.S.A. § 602(c) is amended to read:

8 (c) ~~An operator operator's license, junior operator operator's license, or~~
9 ~~learner learner's permit shall not be issued to an applicant whose license or~~
10 ~~learner, learner's permit, or privilege to operate is suspended, revoked, or~~
11 ~~canceled in any jurisdiction.~~

12 Sec. 10. CONFORMING CHANGES

13 (a) In 23 V.S.A. § 601(b), the phrase "operator licenses" shall be replaced
14 with "operator's licenses" wherever it appears.

15 (b) In 23 V.S.A. § 603(b) and (d), wherever they appear:

16 (1) The phrase "operator license" shall be replaced with "operator's
17 license."

18 (2) The phrase "junior operator license" shall be replaced with "junior
19 operator's license."

20 (3) The phrase "learner permit" shall be replaced with "learner's
21 permit."

~~*** Learner's Permits: Operation Under ***~~

Sec. 11. 23 V.S.A. § 615 is amended to read:

§ 615. UNLICENSED OPERATORS

(a)(1) An unlicensed person 15 years of age or older may operate a motor vehicle if he or she possesses a valid learner's permit issued to him or her by the Commissioner, or by another jurisdiction in accordance with section 208 of this title, and if his or her licensed parent or guardian, licensed or certified driver education instructor, license examiner of the Department, or licensed person at least 25 years of age rides beside him or her. Nothing in this section shall be construed to permit a person against whom a revocation or suspension of license is in force, or a person younger than 15 years of age, or a person who has been refused a license by the Commissioner to operate a motor vehicle.

~~***~~

~~*** Distracted Driving ***~~

Sec. 12. 23 V.S.A. § 1095b is amended to read:

§ 1095b. HANDHELD USE OF PORTABLE ELECTRONIC DEVICE
PROHIBITED

~~***~~

(c) Penalties.

(1) A person who violates this section commits a traffic violation and ~~shall be subject to a fine of not less than \$100.00 and not more than \$200.00~~

1 ~~for a first violation, and of not less than \$250.00 and not more than \$500.00~~

2 for a second or subsequent violation within any two-year period.

3 (2) A person convicted of violating this section while operating within a
4 ~~properly designated work zone in which construction, maintenance, or utility~~
5 ~~personnel are present~~ the following areas shall have ~~two~~ four points assessed
6 against his or her driving record for a first conviction and five points assessed
7 for a second or subsequent conviction:

8 (A) a properly designated work zone in which construction,
9 maintenance, or utility personnel are present; or

10 (B) a school zone marked with warning signs conforming to the
11 Manual on Uniform Traffic Control Devices.

12 (3) A person convicted of violating this section outside a ~~work zone in~~
13 ~~which personnel are present~~ the areas designated in subdivision (2) of this
14 subsection shall ~~not~~ have two points assessed against his or her driving record.

15 * * *

16 Sec. 13. 23 V.S.A. § 2502 is amended to read:

17 § 2502. POINT ASSESSMENT; SCHEDULE

18 (a) Unless the assessment of points is waived by a Superior judge or a
19 Judicial Bureau hearing officer in the interests of justice and in accordance
20 with subsection 2501(b) of this title, a person operating a motor vehicle shall
21 have points assessed against his or her driving record for convictions for

22 ~~moving violations of the indicated motor vehicle statutes in accord with the~~

1 following schedule: (All references are to Title 23 of the Vermont Statutes
2 Annotated.)

3 (1) Two points assessed for:

4 * * *

5 (LL)(i) § 1095. Entertainment picture visible to
6 operator;

7 (ii) § 1095b(c)(2)(3) Use of portable electronic device
8 ~~in~~ outside work or school zone—first
9 offense;

10 * * *

11 (3) Four points assessed for:

12 (A) § 1012. Failure to obey enforcement officer;

13 (B) § 1013. Authority of enforcement officers;

14 (C) § 1051. Failure to yield to pedestrian;

15 (D) § 1057. Failure to yield to persons who are
16 blind;

17 (E) § 1095b(c)(2) Use of portable electronic device in
18 work or school zone—first offense;

19 (4) Five points assessed for:

20 (A) § 1050. Failure to yield to emergency

21 vehicles,

1 ~~(1)(A) Notwithstanding any other provision of this subchapter, a~~
2 ~~person whose license or privilege to operate has been suspended or revoked for~~
3 ~~life under this subchapter may apply to the Driver Rehabilitation School~~
4 ~~Director and to the Commissioner for reinstatement of his or her driving~~
5 ~~privilege. The person shall have completed three years of total abstinence~~
6 ~~from consumption of alcohol or nonprescription regulated drugs, or both. The~~
7 ~~use of a regulated drug in accordance with a valid prescription shall not~~
8 ~~disqualify an applicant for reinstatement of his or her driving privileges unless~~
9 ~~the applicant used the regulated drug in a manner inconsistent with the~~
10 ~~prescription label.~~

11 (B) The beginning date for the period of abstinence shall be no sooner
12 than the effective date of the suspension or revocation from which the person
13 is requesting reinstatement and shall not include any period during which the
14 person is serving a sentence of incarceration to include furlough. The
15 application shall include the applicant's authorization for a urinalysis
16 examination to be conducted prior to reinstatement under this subdivision.
17 The application to the Commissioner shall be accompanied by a fee of
18 \$500.00. The Commissioner shall have the discretion to waive the application
19 fee if the Commissioner determines that payment of the fee would present a
20 hardship to the applicant.

~~§ 1213. IGNITION INTERLOCK RESTRICTED DRIVER'S LICENSE OR~~

CERTIFICATE; PENALTIES

* * *

(e) ~~Except as provided in subsection (m) of this section, the~~ The holder of an ignition interlock RDL or ignition interlock certificate shall pay the costs of installing, purchasing or leasing, and removing the ignition interlock device as well as calibrating the device and retrieving data from it periodically as may be specified by the Commissioner.

* * *

(1)(1) The Commissioner, in consultation with any individuals or entities the Commissioner deems appropriate, shall adopt rules and may enter into agreements to implement the provisions of this section. The Commissioner shall not approve a manufacturer of ignition interlock devices as a provider in this State unless the manufacturer agrees to reduce the cost of installing, leasing, and deinstalling the device by at least 50 percent for persons who furnish proof of receipt of 3SquaresVT, LIHEAP, or Reach Up benefits or like benefits in another state.

(2) The rules shall establish uniform performance standards for ignition interlock devices including required levels of accuracy in measuring blood alcohol concentration, efficacy in distinguishing valid breath samples, the occurrence of random retests while the vehicle is running, and automatic

1 ~~signaling by the vehicle if the operator fails such a retest. After an initial~~
2 ~~random retest to occur within 15 minutes of the vehicle starting, subsequent~~
3 ~~random retests shall occur on average not more often than once every 30~~
4 ~~minutes. The Commissioner shall certify devices that meet these standards,~~
5 ~~specify any periodic calibration that may be required to ensure accuracy of the~~
6 ~~devices, and specify the means and frequency of the retrieval and sharing of~~
7 ~~data collected by ignition interlock devices. Persons who elect to obtain an~~
8 ~~ignition interlock RDL or certificate following a conviction under this~~
9 ~~subchapter when the person's blood alcohol concentration is proven to be 0.16~~
10 ~~or more shall be required to install an ignition interlock device with a Global~~
11 ~~Positioning System feature. The rules also shall establish a schedule of~~
12 ~~extensions of the period prior to eligibility for reinstatement as authorized~~
13 ~~under subsection (h) of this section.~~

14 * * *

15 * * * Length of Vehicles * * *

16 Sec. 15. 23 V.S.A. § 1402(b)(2) is amended to read:

17 (2) ~~Notwithstanding the provisions of this section, the Agency of~~
18 ~~Transportation may erect signs at those locations where it would be unsafe to~~
19 ~~operate vehicles in excess of 68 feet in length. [Repealed.]~~

20 Sec. 16. 23 V.S.A. § 1432 is amended to read:

21 ~~§ 1432. LENGTH OF VEHICLES, AUTHORIZED HIGHWAYS~~

1 * * *

2 ~~(f) List of approved highways. The Commissioner shall prepare a list of~~
3 ~~each highway that has been approved for travel by vehicles referred to in~~
4 ~~subsection (a) of this section. The list shall be furnished, without charge, to~~
5 ~~each permitting service, electronic dispatching service, or other similar service~~
6 ~~authorized to do business in this State and, upon request, to any interested~~
7 ~~person. [Repealed.]~~

8 * * * Transfer of Title, Registration; Vessels, Snowmobiles, and ATVs * * *

9 Sec. 17. 23 V.S.A. § 3816 is amended to read:

10 § 3816. TRANSFER OF INTEREST IN VESSEL, SNOWMOBILE, OR
11 ALL-TERRAIN VEHICLE

12 (a) If an owner transfers his or her interest in a vessel, snowmobile, or all-
13 terrain vehicle, other than by the creation of a security interest, he or she shall,
14 at the time of delivery of the vessel, snowmobile, or all-terrain vehicle, execute
15 an assignment and warranty of title to the transferee in the space provided on
16 the certificate or as the Commissioner prescribes, and cause the certificate and
17 assignment to be mailed or delivered to the transferee or to the Commissioner.
18 Where title to a vessel, snowmobile, or all-terrain vehicle is in the name of
19 more than one person, the nature of the ownership must be indicated by one of
20 the following on the certificate of title:

21 * * *

22 ~~(c)(1) Pursuant to the provisions of 14 V.S.A. § 315, whenever the estate of~~

1 ~~an individual who dies intestate consists principally of a vessel, snowmobile,~~
2 ~~or all-terrain vehicle, the surviving spouse shall be deemed to be the owner of~~
3 ~~the vessel, snowmobile, or all-terrain vehicle and title to the vessel,~~
4 ~~snowmobile, or all-terrain vehicle shall automatically pass to the surviving~~
5 ~~spouse. The surviving spouse may register. Upon request, the Department~~
6 ~~shall register and title the vessel, snowmobile, or all-terrain vehicle by paying~~
7 ~~a transfer fee not to exceed \$2.00 in the name of the surviving spouse, and no~~
8 ~~fee shall be assessed.~~

9 (2) Notwithstanding any contrary provision of law, and except as
10 provided in subdivision (3) of this subsection, whenever the estate of an
11 individual consists in whole or in part of a vessel, snowmobile, or all-terrain
12 vehicle, and the person's will or other testamentary document does not
13 specifically address disposition of the same, the surviving spouse shall be
14 deemed to be the owner and title to the vessel, snowmobile, or all-terrain
15 vehicle shall automatically pass to the surviving spouse. Upon request, the
16 Department shall register and title the vessel, snowmobile, or all-terrain
17 vehicle in the name of the surviving spouse, and no fee shall be assessed.

18 (3) This subsection shall not apply if the vessel, snowmobile, or all-
19 terrain vehicle is titled in the name of one or more persons other than the
20 decedent and the surviving spouse.

1 ~~Sec. 18. REPEAL~~

2 ~~12 V.S.A. chapter 193 (snowmobile and boating violations) is repealed.~~

3 ~~Sec. 19. 23 V.S.A. § 3208 is amended to read:~~

4 ~~§ 3208. ADMINISTRATION AND ENFORCEMENT~~

5 ~~* * *~~

6 ~~(d) The provisions of this subchapter and the rules adopted pursuant thereto~~
7 ~~shall be enforced by law enforcement officers as defined in section 3302 of~~
8 ~~this title in accordance with the provisions of ~~12 V.S.A. chapter 193~~ 4 V.S.A.~~
9 ~~chapter 29. Testimony of a witness as to the existence of navigation or~~
10 ~~snowmobile control signs, signals, or markings, shall be prima facie evidence~~
11 ~~that such control, sign, signal, or marking existed pursuant to a lawful statute,~~
12 ~~regulation, or ordinance and that the defendant was lawfully required to obey a~~
13 ~~direction of such device.~~

14 ~~(e) Law enforcement officers as defined in section 3302 of this title, in~~
15 ~~accordance with the provisions of ~~12 V.S.A. chapter 193~~, may conduct safety~~
16 ~~inspections on snowmobiles stopped for other snowmobile law violations on~~
17 ~~the Statewide Snowmobile Trail System. Safety inspections may also be~~
18 ~~conducted in a designated area by law enforcement officials. A designated~~
19 ~~area shall be warned solely by blue lights either on a stationary snowmobile~~
20 ~~parked on a trail or on a cruiser parked at a roadside trail crossing.~~

21 ~~Sec. 20. 25 V.S.A. § 5518 is amended to read.~~

~~§ 3318. ADMINISTRATION AND ENFORCEMENT~~

~~(a) The administration of the provisions of this chapter, as they pertain to the registration and numbering of vessels and the suspension of the privilege to operate vessels, shall be the responsibility of the Department of Motor Vehicles.~~

~~* * *~~

~~(c) The provisions of this subchapter and the rules adopted pursuant to this subchapter shall be enforced by law enforcement officers as defined in section 3302 of this title in accordance with the provisions of ~~12 V.S.A. chapter 193~~ 4 V.S.A. chapter 29. Law enforcement officers as defined in section 3302 of this title may also enforce the provisions of 10 V.S.A. § 1454 and the rules adopted pursuant to 10 V.S.A. § 1424 in accordance with the requirements of 10 V.S.A. chapter 50.~~

~~* * * Motor Vehicle Purchase and Use Tax * * *~~

~~Sec. 21. 32 V.S.A. § 8902(5) is amended to read:~~

~~(5) "Taxable cost" means the purchase price as defined in subdivision (4) of this section or the taxable cost as determined under section 8907 of this title. For any purchaser who has paid tax on the purchase or use of a motor vehicle that was sold or traded by the purchaser or for which the purchaser received payment under a contract of insurance, the taxable cost of the replacement motor vehicle other than a leased vehicle shall exclude.~~

1 * * *

2 (B) the amount received from the sale of a motor vehicle last
3 registered in his or her name, the amount not to exceed the average book clean
4 trade-in value of the same make, type, model, and year of manufacture as
5 designated by the manufacturer and as shown in the NADA Official Used Car
6 Guide, National Automobile Dealers Association (New England edition), or
7 any comparable publication, provided such sale occurs within three months of
8 the taxable purchase. However, this three-month period shall be extended
9 day-for-day for any time that a member of a guard unit or of the U.S. Armed
10 Forces, as defined in 38 U.S.C. § 101(10), spends outside Vermont due to
11 activation or deployment, and an additional 60 days following the person's
12 return from activation or deployment. Such amount shall be reported on forms
13 supplied by the Commissioner of Motor Vehicles;

14 * * *

15 Sec. 22. 32 V.S.A. § 8907 is amended to read:

16 § 8907. COMMISSIONER, COMPUTATION OF TAXABLE COSTS

17 (a) The Commissioner may investigate the taxable cost of any motor
18 vehicle transferred subject to the provisions of this chapter. If the motor
19 vehicle is not acquired by purchase in Vermont or is received for an amount
20 which does not represent actual value, or if no tax form is filed or it appears to
21 the Commissioner that a tax form contains fraudulent or incorrect information,
22 ~~the Commissioner may, in his or her discretion, fix the taxable cost of the~~

1 ~~motor vehicle at the average book clean trade-in value of vehicles of the same~~
2 make, type, model, and year of manufacture as designated by the
3 manufacturer, as shown in the NADA Official Used Car Guide, National
4 ~~Automobile Dealers Association~~ (New England Edition) or any comparable
5 publication, less the lease end value of any leased vehicle. The Commissioner
6 may compute and assess the tax due thereon, and notify the purchaser thereof
7 forthwith by certified mail, and the purchaser shall remit the same within 15
8 days thereafter.

9 * * *

10 * * * License Plates * * *

11 Sec. 23. 23 V.S.A. § 511 is amended to read:

12 § 511. NUMBER OF PLATES; MANNER OF DISPLAY

13 (a)(1) ~~A motor vehicle operated on any highway shall have displayed in a~~
14 ~~conspicuous place either one or two number plates as the~~ Upon initial
15 registration of a motor vehicle, the Commissioner may require shall furnish
16 one number plate, except that he or she shall furnish two number plates:

17 (A) for motor trucks with a registered weight of 10,100 pounds or
18 more; and

19 (B) for vehicles issued vanity plates pursuant to subdivision
20 304(b)(1) of this title.

21 ~~(2) Such number plates shall be furnished by the Commissioner and~~

1 ~~Number plates shall show the number assigned to such the vehicle by the~~
2 ~~Commissioner and shall be displayed in a conspicuous place as prescribed by~~
3 ~~the Commissioner.~~

4 (3) ~~If only one number plate is furnished, the same it shall be securely~~
5 ~~attached to the rear of the vehicle. If two are furnished pursuant to subdivision~~
6 ~~(1)(A) of this subsection, one shall be securely attached to the rear and one to~~
7 ~~the front of the vehicle. If two are furnished pursuant to subdivision (1)(B) of~~
8 ~~this subsection, one shall be securely attached to the rear, and the registrant~~
9 ~~may choose whether to attach the other plate to the front of the vehicle.~~

10 (4) ~~Registrants may obtain additional plates of the same design and~~
11 ~~assigned number upon payment of the fee prescribed in section 514 of this~~
12 ~~title.~~

13 (5) ~~If a vehicle is only required to display one plate, the registrant may~~
14 ~~display on the front of the vehicle commemorative plates issued under the~~
15 ~~former section 515a, 515b, or 515c of this title; Vermont Strong Plates; or any~~
16 ~~other plate the display of which is consistent with law. The registrant shall not~~
17 ~~display a registration plate issued by another jurisdiction in North America, or~~
18 ~~by other jurisdictions as the Commissioner may prescribe. Nothing in this~~
19 ~~section shall be construed to authorize the display of plates in violation of~~
20 ~~section 513 of this title.~~

21 ~~(6) The number plates shall be kept entirely unobscured, and the~~

1 ~~numerals and the letters thereon shall be plainly legible at all times. They shall~~
2 ~~be kept horizontal, shall be so fastened as not to swing, excepting however,~~
3 ~~except that there may be installed on a motor truck or truck tractor a device~~
4 ~~which would, upon contact with a substantial object, permit the rear number~~
5 ~~plate to swing toward the front of the vehicle, provided such that the device~~
6 ~~automatically returns the number plate to its original rigid position after~~
7 ~~contact is released, and the ground clearance of the lower edges thereof shall~~
8 ~~be established by the Commissioner pursuant to the provisions of 3 V.S.A.~~
9 ~~chapter 25.~~

10 * * *

11 (c) A person shall not operate a motor vehicle unless a number plate or
12 plates and a validation sticker are displayed as provided in this section.

13 Sec. 24. 23 V.S.A. § 304(a) is amended to read:

14 (a) The Commissioner shall issue to the registrant of a motor vehicle a
15 certificate of registration in the form the Commissioner may prescribe, on
16 which shall appear the name of the registrant, his or her address, a brief
17 description of the vehicle registered, and the date of registration. The
18 Commissioner shall also assign to each motor vehicle registered a distinctive
19 number and, as prescribed in section 511 of this title, shall issue a number
20 plate or plates showing the assigned number. The number plate or plates
21 ~~issued shall be of the material, size, shape, and color, and with the numerals or~~

1 ~~letters thereon, the Commissioner may determine, and shall be reflectorized in~~
2 part or in whole. The certificate and number plates shall be delivered free of
3 charge by the Commissioner to the registrant as soon as may be after receipt
4 and acceptance of application for registration.

5 Sec. 25. 23 V.S.A. § 514 is amended to read:

6 § 514. REPLACEMENT NUMBER PLATES

7 (a) In case of the loss of a number plate, the owner of the motor vehicle to
8 which it was assigned shall forthwith notify the Commissioner of Motor
9 Vehicles of such the loss, and he or she shall furnish such the owner with a
10 new plate. The fees charged shall be \$12.00 for each plate. The owner of a
11 motor vehicle required to display front and rear number plates who has lost
12 one ~~number~~ plate may operate his or her vehicle with one ~~number~~ plate
13 attached thereto, until a new plate is furnished him or her, provided he or she
14 has notified the Commissioner of Motor Vehicles.

15 * * *

16 * * * Effective Dates; Applicability * * *

17 Sec. 26. EFFECTIVE DATES AND APPLICABILITY

18 (a)(1) This section and Secs. 9 (licenses and permits to operate; refusals to
19 issue), 15 (signs regarding length of vehicles), and 16 (list of approved
20 highways) shall take effect on passage.

21 (2) In Sec. 14, 23 V.S.A. § 1209a(b) (reinstatement under Total
22 Abstinence Program) shall take effect on passage.

1 (b) In Sec. 14, 23 V.S.A. § 1213(1)(2) (timing of random retests and
2 elimination of GPS requirement) shall take effect 60 days after passage of
3 this act.

4 (c) All other sections shall take effect on July 1, 2017.

5 (d) In Sec. 14, 23 V.S.A. § 1213(1)(2) (timing of random retests and
6 elimination of GPS requirement) shall apply to all persons with ignition
7 interlock restricted driver's licenses as of the effective date of this provision
8 and to persons whose underlying DUI offenses occurred prior to the effective
9 date of this act, as well as to persons who obtain ignition interlock RDLs on or
10 after the effective date of this provision.

11 (e) In Sec. 14, 23 V.S.A. § 1209a(b) (reinstatement under Total Abstinence
12 Program) shall apply to persons whose period of abstinence began prior to the
13 effective date of this provision, as well as to persons who begin a period of
14 abstinence on or after the effective date of this provision. In addition to
15 hardship fee waivers authorized under 23 V.S.A. § 1209a(c), if a person's
16 application for reinstatement under the Program was denied prior to the
17 effective date solely because of use of a drug in accordance with a valid
18 prescription, and the person used the drug in a manner consistent with the
19 prescription label, the Commissioner shall waive the fee for a subsequent
20 application.

**** Special Plates and Placards for Persons With Disabilities ****

Sec. 1. 23 V.S.A. § 304a is amended to read:

*§ 304a. SPECIAL REGISTRATION PLATES AND PLACARDS FOR
PEOPLE WITH DISABILITIES*

(a) The following definitions shall apply to this section:

(6) "Eligible person" means:

(A) a person who is blind or has an ambulatory disability and has been issued a special registration plate or a windshield placard by this State or another state;

(B) a person who is transporting a person described in subdivision (A) of this subdivision (6); or

(C) a person transporting a person who is blind or has an ambulatory disability on behalf of an organization that has been issued a special registration plate or a windshield placard by this State or another state for the purpose of transporting a person who is blind or has an ambulatory disability.

(e)(1) A person, other than an eligible person, who for his or her own purposes parks a vehicle in a space for persons with disabilities shall be ~~fin~~ed subject to a civil penalty of not less than \$200.00 for each violation and shall be liable for towing charges.

(2) A person, other than an eligible person, who displays a special registration plate or removable windshield placard not issued to him or her under this section and parks a vehicle in a space for persons with disabilities, shall be subject to a civil penalty of not less than \$400.00 for each violation and shall be liable for towing charges.

(3) ~~He or she shall~~ A person who violates this section also shall be liable for storage charges not to exceed \$12.00 per day, and an artisan's lien may be imposed against the vehicle for payment of the charges assessed.

(4) The person in charge of the parking space or spaces for persons with a disability or any duly authorized law enforcement officer shall cause the removal of a vehicle parked in violation of this section.

(5) A violation of this section shall be considered a traffic violation within the meaning of 4 V.S.A. chapter 29.

** * * Special License Plates * * **

Sec. 2. 23 V.S.A. § 304b is amended to read:

§ 304b. CONSERVATION MOTOR VEHICLE REGISTRATION PLATES

** * **

(b) Initial fees collected under subsection (a) of this section shall be allocated as follows:

(1) ~~\$12.00~~ 46 percent to the Transportation Fund.

(2) ~~\$7.00~~ 27 percent to the Department of Fish and Wildlife for deposit into the Nongame Wildlife Account created in 10 V.S.A. § 4048.

(3) ~~\$7.00~~ 27 percent to the Department of Fish and Wildlife for deposit into the Watershed Management Account created in 10 V.S.A. § 4050.

(c) Renewal fees collected under subsection (a) of this section shall be allocated as follows:

(1) ~~\$11.00~~ 42 percent to the Department of Fish and Wildlife for deposit into the Nongame Wildlife Account created in 10 V.S.A. § 4048.

(2) ~~\$11.00~~ 42 percent to the Department of Fish and Wildlife for deposit into the Watershed Management Account created in 10 V.S.A. § 4050.

(3) ~~\$4.00~~ 16 percent to the Transportation Fund.

(d) The Commissioner of Fish and Wildlife is authorized to deposit fees collected by the Department of Fish and Wildlife under subsections (b) and (c) of this section into the Conservation Camp Fund when the fees collected exceed the annual funding needs of the Nongame Wildlife Account and the Watershed Management Account.

Sec. 3. 23 V.S.A. § 304c is amended to read:

*§ 304c. MOTOR VEHICLE REGISTRATION PLATES: BUILDING
BRIGHT SPACES FOR BRIGHT FUTURES FUND*

** * **

(b) Fees collected under subsection (a) of this section shall be allocated as follows:

(1) ~~\$7.00~~ 29 percent to the Transportation Fund.

(2) ~~\$17.00~~ 71 percent to the Department for Children and Families for deposit in the Bright Futures Fund created in 33 V.S.A. § 3531.

(c) Renewal fees collected under subsection (a) of this section shall be allocated as follows:

(1) ~~19.00~~ 79 percent to the Department for Children and Families for deposit in the Bright Futures Fund in 33 V.S.A. § 3531.

(2) ~~5.00~~ 21 percent to the Transportation Fund.

(d) The Department of Motor Vehicles shall be charged by the Department of Corrections for the production of the Bright Futures Fund license plates.

** * * Annual Special Excess Weight Permits * * **

Sec. 4. 23 V.S.A. § 305 is amended to read:

§ 305. REGISTRATION PERIODS

(a) The Commissioner of Motor Vehicles shall issue registration certificates, validation stickers, and number plates upon initial registration, and registration certificates and validation stickers for each succeeding renewal period of registration, upon payment of the registration fee. Number plates so issued will become void one year from the first day of the month following the month of issue unless a longer initial registration period is authorized by law, or unless this period is extended through renewal. Registrations issued for motor trucks shall become void one year from the first day of the month following the month of issue. ~~The fees for annual special excess weight permits issued to these vehicles pursuant to section 1392 of this title shall be prorated so as to coincide with registration expiration dates.~~

** * **

** * * Temporary Registration * * **

Sec. 5. 23 V.S.A. § 312 is amended to read:

§ 312. TEMPORARY REGISTRATION PENDING ISSUANCE OF
CERTIFICATE OF TITLE

(a) In his or her discretion, the Commissioner may issue a temporary registration certificate to a person required to obtain a certificate of title in accordance with chapter 21 of this title upon payment of the registration fee provided in subchapter 2 of this chapter and of the title fee. The temporary registration certificate and the number plate shall be valid for 60 days and shall not be renewed. At the expiration of the temporary registration, a permanent registration certificate and a set of number plates shall be issued provided that all documents and information required by law are filed with the Commissioner.

(b) The registration fee paid in accordance with subsection (a) of this section shall not be refunded, except that the fee shall be deemed the fee for the permanent registration, if one is issued, or shall be deemed the fee for ~~another~~ an application for registration to register another vehicle, if the title

requirements are met during that registration period. Likewise, the title fee shall be deemed the fee for the title, if one is issued, or shall be deemed the fee for an application to title another vehicle.

** * * Registration Transfers * * **

Sec. 6. 23 V.S.A. § 321 is amended to read:

§ 321. PROCEDURE UPON TRANSFER

Upon the transfer of ownership of any registered motor vehicle its registration shall expire. The person in whose name the transferred vehicle was registered shall immediately return direct to the Commissioner the registration certificate assigned to the transferred vehicle, with the date of sale and the name and residence of the new owner endorsed on the back. However, the Commissioner may accept any other satisfactory evidence of the above required information. The transferor shall forthwith remove the registration number plates from the transferred vehicle and may attach the same to another unregistered motor vehicle owned by him or her. Upon the transfer of registration plates from a motor vehicle, the registration of which has expired as above provided, to another motor vehicle, owned by the ~~transferer~~ transferor, the owner or operator shall not, for a period of ~~30~~ 60 days, be subject to a fine for the operation of the latter motor vehicle without the proper registration certificate, provided he or she has, within 24 hours of the transfer, made application, as provided in section 323 of this title, for transfer of the registration number plates. If such application for transfer is not so received by the Commissioner, the number plates shall be returned to the Commissioner at the end of five days after the transfer of ownership.

** * * Registration Fees; Local Transit Buses * * **

Sec. 7. 23 V.S.A. § 372a is amended to read:

§ 372a. LOCAL TRANSIT PUBLIC TRANSPORTATION SERVICE

(a) The annual registration fee for any motor bus used in local transit or public transportation service shall be \$62.00, except for those vehicles owned by a municipality for such service that are subject to the provisions of section 376 of this title. In the event a bus registered for local transit or public transportation service is thereafter registered for general use during the same registration year, such fee shall be applied towards the fee for general registration.

(b) As used in this section, a motor bus used in public transportation service ~~bus~~ is a bus used by a nonprofit public transit system as defined in 24 V.S.A. § 5088(3), and a motor bus used in local transit ~~bus~~ is a motor bus used entirely within or not more than ~~10~~ 100 miles beyond the boundaries of a

city or town.

** * * Exhibition Vehicles * * **

Sec. 8. 23 V.S.A. § 373 is amended to read:

§ 373. EXHIBITION VEHICLES; YEAR OF MANUFACTURE PLATES

(a) The annual fee for the registration of a motor vehicle which is maintained solely for use in exhibitions, club activities, parades, and other functions of public interest and which is not used for the general daily transportation of passengers or property on any highway, except to attend such functions, shall be \$21.00, in lieu of fees otherwise provided by law. Permitted use shall include:

(1) use in exhibitions, club activities, parades, and other functions of public interest; and

(2) occasional transportation of passengers or property not more than one day per week.

** * **

** * * Licenses and Permits to Operate; Refusals to Issue * * **

Sec. 9. 23 V.S.A. § 603(c) is amended to read:

(c) An ~~operator~~ operator's license, junior ~~operator~~ operator's license, or learner learner's permit shall not be issued to an applicant whose license ~~or learner~~, learner's permit, or privilege to operate is suspended, revoked, or canceled in any jurisdiction.

Sec. 10. CONFORMING CHANGES

(a) In 23 V.S.A. § 601(b), the phrase "operator licenses" shall be replaced with "operator's licenses" wherever it appears.

(b) In 23 V.S.A. § 603(b) and (d), wherever they appear:

(1) The phrase "operator license" shall be replaced with "operator's license."

(2) The phrase "junior operator license" shall be replaced with "junior operator's license."

(3) The phrase "learner permit" shall be replaced with "learner's permit."

** * * Learner's Permits; Operation Under * * **

Sec. 11. 23 V.S.A. § 615 is amended to read:

§ 615. UNLICENSED OPERATORS

(a)(1)(A) An unlicensed person 15 years of age or older may operate a motor vehicle if he or she possesses a valid learner's permit issued to him or her by the Commissioner; or by another jurisdiction in accordance with section 208 of this title, and if one of the following persons who is not under the influence of alcohol or drugs rides beside him or her:

(i) his or her licensed parent or guardian;

(ii) a licensed or certified driver education instructor;

(iii) a licensed examiner of the Department; or

(iv) a licensed person at least 25 years of age ~~rides beside him or her.~~

(B) A person described under subdivisions (A)(i)–(iv) of this subdivision (1) who, while under the influence of alcohol or drugs, rides beside an individual whom the person knows to be unlicensed shall be subject to the same penalties as for a violation of subsection 1130(b) of this title. A holder of a learner's permit shall not be deemed to have violated this section if a person described under subdivisions (A)(i)–(iv) of this subdivision (1) rides beside him or her while the person is under the influence of alcohol or drugs.

(C) Nothing in this section shall be construed to permit a person against whom a revocation or suspension of license is in force, or a person younger than 15 years of age, or a person who has been refused a license by the Commissioner to operate a motor vehicle.

** * **

** * * Distracted Driving * * **

Sec. 12. 23 V.S.A. § 1095b is amended to read:

*§ 1095b. HANDHELD USE OF PORTABLE ELECTRONIC DEVICE
PROHIBITED*

** * **

(c) Penalties.

(1) A person who violates this section commits a traffic violation and shall be subject to a fine of not less than \$100.00 and not more than \$200.00 for a first violation, and of not less than \$250.00 and not more than \$500.00 for a second or subsequent violation within any two-year period.

(2) A person convicted of violating this section while operating within a properly designated work zone in which construction, maintenance, or utility personnel are present the following areas shall have ~~two~~ four points assessed against his or her driving record for a first conviction and five points assessed for a second or subsequent conviction:

(A) a properly designated work zone in which construction, maintenance, or utility personnel are present; or

(B) a school zone marked with warning signs conforming to the Manual on Uniform Traffic Control Devices.

(3) A person convicted of violating this section outside a work zone in which personnel are present the areas designated in subdivision (2) of this subsection shall ~~not~~ have two points assessed against his or her driving record.

* * *

Sec. 13. 23 V.S.A. § 2502 is amended to read:

§ 2502. POINT ASSESSMENT; SCHEDULE

(a) Unless the assessment of points is waived by a Superior judge or a Judicial Bureau hearing officer in the interests of justice and in accordance with subsection 2501(b) of this title, a person operating a motor vehicle shall have points assessed against his or her driving record for convictions for moving violations of the indicated motor vehicle statutes in accord with the following schedule: (All references are to Title 23 of the Vermont Statutes Annotated.)

(1) Two points assessed for:

* * *

- | | | |
|----------------|-------------------------|--|
| <i>(LL)(i)</i> | <i>§ 1095.</i> | <i>Entertainment picture visible to operator;</i> |
| <i>(ii)</i> | <i>§ 1095b(c)(2)(3)</i> | <i>Use of portable electronic device in outside work or school zone--first offense;</i> |

* * *

(3) Four points assessed for:

- | | | |
|------------|----------------|---|
| <i>(A)</i> | <i>§ 1012.</i> | <i>Failure to obey enforcement officer;</i> |
| <i>(B)</i> | <i>§ 1013.</i> | <i>Authority of enforcement officers;</i> |
| <i>(C)</i> | <i>§ 1051.</i> | <i>Failure to yield to pedestrian;</i> |

(D) § 1057. Failure to yield to persons who are blind;

(E) § 1095b(c)(2) Use of portable electronic device in work or school zone—first offense;

(4) Five points assessed for:

(A) § 1050. Failure to yield to emergency vehicles;

(B) § 1075. Illegal passing of school bus;

(C) § 1099. Texting prohibited;

(D) § 1095b(c)(2) Use of portable electronic device in work or school zone—second and subsequent offenses;

* * *

* * * *DUI-Related Provisions* * * *

Sec. 14. 23 V.S.A. chapter 13, subchapter 13 is amended to read:

Subchapter 13. Drunken Driving

§ 1200. DEFINITIONS

As used in this subchapter:

* * *

(10) “Random retest” means a test of a vehicle operator’s blood alcohol concentration, other than a test required to start the vehicle, that is required at random intervals during operation of a vehicle equipped with an ignition interlock device.

* * *

§ 1209a. *CONDITIONS OF REINSTATEMENT; ALCOHOL AND DRIVING EDUCATION; SCREENING; THERAPY PROGRAMS*

* * *

(b) *Abstinence.*

(1)(A) *Notwithstanding any other provision of this subchapter, a person whose license or privilege to operate has been suspended or revoked for life under this subchapter may apply to the Driver Rehabilitation School Director and to the Commissioner for reinstatement of his or her driving privilege. The person shall have completed three years of total abstinence from consumption of alcohol or nonprescription regulated drugs, or both. The*

use of a regulated drug in accordance with a valid prescription shall not disqualify an applicant for reinstatement of his or her driving privileges unless the applicant used the regulated drug in a manner inconsistent with the prescription label.

(B) The beginning date for the period of abstinence shall be no sooner than the effective date of the suspension or revocation from which the person is requesting reinstatement and shall not include any period during which the person is serving a sentence of incarceration to include furlough. The application shall include the applicant's authorization for a urinalysis examination to be conducted prior to reinstatement under this subdivision. The application to the Commissioner shall be accompanied by a fee of \$500.00. The Commissioner shall have the discretion to waive the application fee if the Commissioner determines that payment of the fee would present a hardship to the applicant.

* * *

*§ 1213. IGNITION INTERLOCK RESTRICTED DRIVER'S LICENSE OR
CERTIFICATE; PENALTIES*

* * *

(e) ~~Except as provided in subsection (m) of this section, the~~ The holder of an ignition interlock RDL or ignition interlock certificate shall pay the costs of installing, purchasing or leasing, and removing the ignition interlock device as well as calibrating the device and retrieving data from it periodically as may be specified by the Commissioner.

* * *

(l)(1) The Commissioner, in consultation with any individuals or entities the Commissioner deems appropriate, shall adopt rules and may enter into agreements to implement the provisions of this section. The Commissioner shall not approve a manufacturer of ignition interlock devices as a provider in this State unless the manufacturer agrees to reduce the cost of installing, leasing, and deinstalling the device by at least 50 percent for persons who furnish proof of receipt of 3SquaresVT, LIHEAP, or Reach Up benefits or like benefits in another state.

(2) The rules shall establish uniform performance standards for ignition interlock devices including required levels of accuracy in measuring blood alcohol concentration, efficacy in distinguishing valid breath samples, the occurrence of random retests while the vehicle is running, and automatic signaling by the vehicle if the operator fails such a retest. After an initial random retest to occur within 15 minutes of the vehicle starting, subsequent random retests shall occur on average not more often than once every 30

~~minutes. The Commissioner shall certify devices that meet these standards, specify any periodic calibration that may be required to ensure accuracy of the devices, and specify the means and frequency of the retrieval and sharing of data collected by ignition interlock devices. Persons who elect to obtain an ignition interlock RDL or certificate following a conviction under this subchapter when the person's blood alcohol concentration is proven to be 0.16 or more shall be required to install an ignition interlock device with a Global Positioning System feature. The rules also shall establish a schedule of extensions of the period prior to eligibility for reinstatement as authorized under subsection (h) of this section.~~

* * *

* * * *Length of Vehicles* * * *

~~Sec. 15. 23 V.S.A. § 1402(b)(2) is amended to read:~~

~~(2) Notwithstanding the provisions of this section, the Agency of Transportation may erect signs at those locations where it would be unsafe to operate vehicles in excess of 68 feet in length. [Repealed.]~~

~~Sec. 16. 23 V.S.A. § 1432 is amended to read:~~

~~§ 1432. LENGTH OF VEHICLES; AUTHORIZED HIGHWAYS~~

* * *

~~(f) List of approved highways.—The Commissioner shall prepare a list of each highway that has been approved for travel by vehicles referred to in subsection (a) of this section. The list shall be furnished, without charge, to each permitting service, electronic dispatching service, or other similar service authorized to do business in this State and, upon request, to any interested person. [Repealed.]~~

* * * *Transfer of Title, Registration; Vessels, Snowmobiles, and ATVs* * * *

~~Sec. 17. 23 V.S.A. § 3816 is amended to read:~~

~~§ 3816. TRANSFER OF INTEREST IN VESSEL, SNOWMOBILE, OR ALL-TERRAIN VEHICLE~~

~~(a) If an owner transfers his or her interest in a vessel, snowmobile, or all-terrain vehicle, other than by the creation of a security interest, he or she shall, at the time of delivery of the vessel, snowmobile, or all-terrain vehicle, execute an assignment and warranty of title to the transferee in the space provided on the certificate or as the Commissioner prescribes, and cause the certificate and assignment to be mailed or delivered to the transferee or to the Commissioner. Where title to a vessel, snowmobile, or all-terrain vehicle is in the name of more than one person, the nature of the ownership must be indicated by one of~~

the following on the certificate of title:

* * *

(e)(1) Pursuant to the provisions of 14 V.S.A. § 313, whenever the estate of an individual who dies intestate consists principally of a vessel, snowmobile, or all-terrain vehicle, the surviving spouse shall be deemed to be the owner of the vessel, snowmobile, or all-terrain vehicle and title to the vessel, snowmobile, or all-terrain vehicle shall automatically pass to the surviving spouse. The surviving spouse may register. Upon request, the Department shall register and title the vessel, snowmobile, or all-terrain vehicle by paying a transfer fee not to exceed \$2.00 in the name of the surviving spouse, and no fee shall be assessed.

(2) Notwithstanding any contrary provision of law, and except as provided in subdivision (3) of this subsection, whenever the estate of an individual consists in whole or in part of a vessel, snowmobile, or all-terrain vehicle, and the person's will or other testamentary document does not specifically address disposition of the same, the surviving spouse shall be deemed to be the owner and title to the vessel, snowmobile, or all-terrain vehicle shall automatically pass to the surviving spouse. Upon request, the Department shall register and title the vessel, snowmobile, or all-terrain vehicle in the name of the surviving spouse, and no fee shall be assessed.

(3) This subsection shall not apply if the vessel, snowmobile, or all-terrain vehicle is titled in the name of one or more persons other than the decedent and the surviving spouse.

* * * *Enforcement of Snowmobile and Boating Violations* * * *

Sec. 18. REPEAL

12 V.S.A. chapter 193 (snowmobile and boating violations) is repealed.

Sec. 19. 23 V.S.A. § 3208 is amended to read:

§ 3208. ADMINISTRATION AND ENFORCEMENT

* * *

(d) The provisions of this subchapter and the rules adopted pursuant thereto shall be enforced by law enforcement officers as defined in section 3302 of this title in accordance with the provisions of 12 V.S.A. chapter 193 4 V.S.A. chapter 29. Testimony of a witness as to the existence of navigation or snowmobile control signs, signals, or markings, shall be prima facie evidence that such control, sign, signal, or marking existed pursuant to a lawful statute, regulation, or ordinance and that the defendant was lawfully required to obey a direction of such device.

(e) Law enforcement officers as defined in section 3302 of this title, ~~in accordance with the provisions of 12 V.S.A. chapter 193,~~ may conduct safety inspections on snowmobiles stopped for other snowmobile law violations on the Statewide Snowmobile Trail System. Safety inspections may also be conducted in a designated area by law enforcement officials. A designated area shall be warned solely by blue lights either on a stationary snowmobile parked on a trail or on a cruiser parked at a roadside trail crossing.

Sec. 20. 23 V.S.A. § 3318 is amended to read:

§ 3318. ADMINISTRATION AND ENFORCEMENT

(a) The administration of the provisions of this chapter, as they pertain to the registration and numbering of vessels and the suspension of the privilege to operate vessels, shall be the responsibility of the Department of Motor Vehicles.

** * **

(c) The provisions of this subchapter and the rules adopted pursuant to this subchapter shall be enforced by law enforcement officers as defined in section 3302 of this title in accordance with the provisions of ~~12 V.S.A. chapter 193~~ 4 V.S.A. chapter 29. Law enforcement officers as defined in section 3302 of this title may also enforce the provisions of 10 V.S.A. § 1454 and the rules adopted pursuant to 10 V.S.A. § 1424 in accordance with the requirements of 10 V.S.A. chapter 50.

** * * Motor Vehicle Purchase and Use Tax * * **

Sec. 21. 32 V.S.A. § 8902(5) is amended to read:

(5) “Taxable cost” means the purchase price as defined in subdivision (4) of this section or the taxable cost as determined under section 8907 of this title. For any purchaser who has paid tax on the purchase or use of a motor vehicle that was sold or traded by the purchaser or for which the purchaser received payment under a contract of insurance, the taxable cost of the replacement motor vehicle other than a leased vehicle shall exclude:

** * **

(B) the amount received from the sale of a motor vehicle last registered in his or her name, the amount not to exceed the ~~average-book~~ clean trade-in value of the same make, type, model, and year of manufacture as designated by the manufacturer and as shown in the NADA Official Used Car Guide, ~~National Automobile Dealers Association~~ (New England edition), or any comparable publication, provided such sale occurs within three months of the taxable purchase. However, this three-month period shall be extended day-for-day for any time that a member of a guard unit or of the U.S. Armed

Forces, as defined in 38 U.S.C. § 101(10), spends outside Vermont due to activation or deployment, and an additional 60 days following the person's return from activation or deployment. Such amount shall be reported on forms supplied by the Commissioner of Motor Vehicles;

* * *

Sec. 22. 32 V.S.A. § 8907 is amended to read:

§ 8907. COMMISSIONER, COMPUTATION OF TAXABLE COSTS

(a) The Commissioner may investigate the taxable cost of any motor vehicle transferred subject to the provisions of this chapter. If the motor vehicle is not acquired by purchase in Vermont or is received for an amount which does not represent actual value, or if no tax form is filed or it appears to the Commissioner that a tax form contains fraudulent or incorrect information, the Commissioner may, in his or her discretion, fix the taxable cost of the motor vehicle at the ~~average book~~ clean trade-in value of vehicles of the same make, type, model, and year of manufacture as designated by the manufacturer, as shown in the NADA Official Used Car Guide, National Automobile Dealers Association (New England Edition) or any comparable publication, less the lease end value of any leased vehicle. The Commissioner may compute and assess the tax due thereon, and notify the purchaser thereof forthwith by certified mail, and the purchaser shall remit the same within 15 days thereafter.

* * *

Sec. 23. MOTOR VEHICLE PURCHASE AND USE TAX; EXTENSION OF THREE-MONTH PERIOD TO REDUCE TAXABLE COST

(a) Notwithstanding 32 V.S.A. § 8902(5)(B), the three-month limitation on the period in which to reduce the taxable cost of a motor vehicle by the sale of a previously owned vehicle shall not apply in the case of vehicles sold to the manufacturer pursuant to buyback agreement under a Volkswagen, Audi, or Porsche diesel engine defeat device settlement or judgment, if the vehicle is sold to the manufacturer:

(1) on or before November 10, 2017, in the case of 2.0 liter diesel engine Volkswagens and Audis; or

(2) on or before one year after buybacks commence under the 3.0 liter diesel engine class action settlement for Volkswagens, Audis, and Porsches.

(b) If a person paid a purchase and use tax in excess of the amount that would have been required if this section had been in effect at the time of the tax payment, the Commissioner of Motor Vehicles, upon application, shall issue the person a refund in accordance with this section.

Sec. 24. 2012 Acts and Resolves No. 71, Sec. 1, as amended by 2012 Acts and Resolves No. 143, Sec. 13 and by 2014 Acts and Resolves No. 189, Sec. 26, is further amended as follows:

Sec. 1. VERMONT STRONG MOTOR VEHICLE PLATES

** * **

(c) Use. An approved Vermont Strong commemorative plate may be displayed on a motor vehicle registered in Vermont as a pleasure car or on a motor truck registered in Vermont for less than 26,001 pounds (but excluding vehicles registered under the International Registration Plan) by covering the front registration plate with the commemorative plate any time from the effective date of this act until June 30, 2016. The regular front registration plate shall not be removed. The regular rear registration plate shall be in place and clearly visible at all times.

** * **

** * * License Plate Cost Savings * * **

Sec. 24a. LICENSE PLATE COST SAVINGS

(a) The Commissioner of Motor Vehicles, in consultation with the Commissioner of Corrections, shall:

(1) examine whether the redesign of Vermont's standard license plate could lead to cost savings associated with the production of such plates and, if cost savings are likely to result from a redesign, shall estimate how much savings would result from various redesign options; and

(2) identify any other opportunities to reduce costs associated with the production and acquisition of license plates, including by reducing materials costs, and estimate the cost savings expected to result from such opportunities.

(b) The Commissioner of Motor Vehicles shall estimate all cost savings that would result from eliminating the requirement that vehicles registered in Vermont display front license plates, except in the case of motor trucks with a registered weight of 10,100 pounds or more. The estimate shall assume that front and rear license plates will continue to be issued for vehicles registered pursuant to 23 V.S.A. § 304(b)(1) (vanity plates).

(c) On or before January 15, 2018, the Commissioner of Motor Vehicles shall report to the House and Senate Committees on Transportation and on Appropriations the findings and estimates required under this section and any proposed actions or recommendations related to achieving license plate-related cost savings.

** * * Incident Clearance; Duties; Limitation on Liability * * **

Sec. 25. 23 V.S.A. § 1102 is amended to read:

§ 1102. REMOVAL OF STOPPED VEHICLES

(a) Any Subject to subsection (c) of this section, any enforcement officer is authorized to:

(1) move cause the removal of a vehicle stopped, parked, or standing contrary to section 1101 of this title, or to require the driver or other person in charge to move the vehicle to a safe position off the paved or main-traveled part of the highway;

(2) remove cause the removal of an unattended vehicle which or cargo that is an obstruction to traffic or to maintenance of the highway to a garage or other place of safety;

(3) remove cause the removal of any vehicle found upon a highway, as defined in 19 V.S.A. § 1, to a garage or other place of safety when:

(A) the officer is informed by a reliable source that the vehicle has been stolen or taken without the consent of its owner; or

(B) the person in charge of the vehicle is unable to provide for its removal; or

(C) the person in charge of the vehicle has been arrested under circumstances which that require his or her immediate removal from control of the vehicle.

(b) In the case of a crash involving a serious bodily injury or fatality, clearance of the crash scene may be delayed until the crash investigation is completed.

(c) A towing operator shall undertake removal of a vehicle or cargo under this section only if summoned to the scene by the vehicle owner or vehicle operator, or an enforcement officer, and is authorized to perform the removal as follows:

(1) The owner or operator of the vehicle or cargo being removed shall summon to the scene the towing operator of the owner's or operator's choice in consultation with the enforcement officer and designate the location to where the vehicle or cargo is to be removed.

(2) The provisions of subdivision (1) of this subsection shall not apply when the owner or operator is incapacitated or otherwise unable to summon a towing operator, does not make a timely choice of a towing operator, or defers to the enforcement officer's selection of the towing operator.

(3) The authority provided to the owner or operator under subdivision (1) of this subsection may be superseded by the enforcement officer if the towing operator of choice cannot respond to the scene in a timely fashion and the vehicle or cargo is a hazard, impedes the flow of traffic, or may not legally remain in its location in the opinion of the enforcement officer.

(d)(1) Except as provided in subdivision (2) of this subsection, the vehicle owner and the motor carrier, if any, shall be responsible to the law enforcement agency or towing operator for reasonable costs incurred solely in the removal and subsequent disposition of the vehicle or cargo under this section.

(2) When applicable, the provisions of 10 V.S.A. § 6615 (liability for release of hazardous materials) shall apply in lieu of this subsection.

(e) Except for intentionally inflicted damage or gross negligence, an enforcement officer or a person acting at the direction of an enforcement officer who removes from a highway a motor vehicle or cargo that is obstructing traffic or maintenance activities or creating a hazard to traffic shall not be liable for damage to the vehicle or cargo incurred during the removal.

(f) Any enforcement officer causing the removal of a motor vehicle under this section shall notify the Department as to the location and date of discovery of the vehicle, date of removal of the vehicle, name of the towing service removing the vehicle, and place of storage. The officer shall record and remove from the vehicle, if possible, any information which that might aid the Department in ascertaining the ownership of the vehicle and forward it the information to the Department. A motor vehicle towed under authority of this section may qualify as an abandoned motor vehicle under subchapter 7 of chapter 21 of this title.

(g)(1) Except as otherwise provided in subdivision (2) of this subsection, the operator of a vehicle involved in a crash who is required by law to stop the vehicle, or who elects to stop the vehicle, at the crash scene shall move and stop the vehicle at the nearest location where the vehicle will not impede traffic or jeopardize the safety of a person.

(2) The duty to move a vehicle under subdivision (1) of this subsection shall not apply when:

(A) the crash involved the death of or apparent injury to any person;

(B) the vehicle to be moved was transporting hazardous material;

(C) the vehicle cannot be operated under its own power without further damage to the vehicle or the highway; or

(D) the movement cannot be made without endangering other highway users.

(3) An operator required to move a vehicle under this subsection who fails to do so shall not be ticketed, assessed a civil penalty, or have points assessed against his or her driving record.

Sec. 26. 23 V.S.A. § 1128 is amended to read:

§ 1128. ACCIDENTS—DUTY TO STOP

(a) The operator of a motor vehicle who has caused or is involved in ~~an~~ ~~accident~~ a crash resulting in injury to any person other than the operator, or in damage to any property other than the vehicle then under his or her control, shall immediately stop and render any assistance reasonably necessary. Subsection 1102(g) of this title (stopping not to impede traffic or jeopardize safety; exceptions) governs the location where a person shall stop. The operator shall give his or her name, residence, license number, and the name of the owner of the motor vehicle to any person who is injured or whose property is damaged and to any enforcement officer. A person who violates this section shall be fined not more than \$2,000.00 or imprisoned for not more than two years, or both.

* * *

* * * Inspections; Mail Carrier Vehicles * * *

Sec. 27. 23 V.S.A. § 1222(e) is added to read:

(e) A vehicle used as a mail carrier under a contract with the U.S. Postal Service shall not fail inspection solely because, in converting the vehicle to be a right-hand drive vehicle, the right air bag in the front compartment has been disconnected or a nonfactory disconnect switch has been installed to disable the air bag.

* * * Motorboat Safety Equipment * * *

Sec. 28. 23 V.S.A. § 3306 is amended to read:

§ 3306. LIGHTS AND EQUIPMENT

(a) Every vessel shall carry and show the following lights when underway between sunset and sunrise:

* * *

(3) motorboats 26 feet or longer, a white light aft showing all around, visible for at least two miles, ~~a white light in the forepart of the boat showing all around,~~ and a light in the forepart of the boat showing red to port and green to starboard, visible at least one mile;

* * *

(g) Motorboats operated on waters that the U.S. Coast Guard has determined to be navigable waters of the United States and therefore subject to the jurisdiction of the United States must have lights and other safety equipment as required by U.S. Coast Guard rules and regulations.

Sec. 29. 23 V.S.A. § 3317 is amended to read:

§ 3317. PENALTIES

(a) A person who violates any of the following sections of this title shall be subject to a ~~fine~~ penalty of not more than \$50.00 for each violation:

* * *

§ 3306(a)–(d) <u>and (g)</u>	lights and equipment
§ 3307a	documented boat validation sticker
§ 3308	boat rental records
§ 3309	muffling device
§ 3311(c)	distance requirements
§ 3311(d)	underwater historic preserve area
§ 3311(e)	overloaded vessel
§ 3311(h)-(i)	authority of law enforcement officer
§ 3312	rules between vessels
§ 3313(b)	failing to file report
§ 3315(a)	water ski observer
§ 3315(c)	improper ski towing
§ 3316	boat races

* * *

* * * Injury Prevention; Educational Resource * * *

Sec. 30. PREVENTING INJURY ON PROPERTY USED FOR RECREATION

(a) The Secretary of Transportation, in consultation with the Commissioners of Fish and Wildlife and of Forests, Parks and Recreation, shall:

(1) Develop an educational resource for property owners related to the prevention of injuries arising from recreational use of property. At a minimum,

this resource shall:

(A) note that failure to mark appropriately a chain, wire, cable, or similar material strung across a known path of recreational users can result in severe injury or death; and

(B) recommend means and methods to mark appropriately such chains, wires, cables, or similar materials.

(2) Take appropriate steps to cause this resource to be disseminated to owners of property in the State.

(b) Nothing in this section is intended to modify the rights, duties, liabilities, or defenses available to any person under any other law. Neither the existence of, nor the fact that a property owner received or may have received or been aware of, the educational resource required to be developed under this section shall be discoverable or used in any civil, criminal, or administrative proceeding.

* * * Effective Dates; Retroactivity; Sunset; Applicability * * *

*Sec. 31. EFFECTIVE DATES; RETROACTIVITY; SUNSET;
APPLICABILITY*

(a)(1) This section and Secs. 9 (licenses and permits to operate; refusals to issue), 15 (signs regarding length of vehicles), 16 (list of approved highways), 23 (motor vehicle purchase and use tax; extension of three-month period to reduce taxable cost), 24 (Vermont Strong license plates), 25–26 (incident clearance), 27 (inspections; mail carrier vehicles), 28–29 (motorboat safety equipment), and 30 (injury prevention; educational resource) shall take effect on passage.

(2) In Sec. 14, 23 V.S.A. § 1209a(b) (reinstatement under Total Abstinence Program) shall take effect on passage.

(3) Notwithstanding 1 V.S.A. § 214, Sec. 23 shall apply retroactively to October 26, 2016.

(4) 23 V.S.A. § 1222(e), added in Sec. 27 (inspections; mail carrier vehicles), shall be repealed on July 1, 2020.

(b) In Sec. 14, 23 V.S.A. § 1213(l)(2) (timing of random retests and elimination of GPS requirement) shall take effect 60 days after passage of this act.

(c) All other sections shall take effect on July 1, 2017.

(d) In Sec. 14, 23 V.S.A. § 1213(l)(2) (timing of random retests and elimination of GPS requirement) shall apply to all persons with ignition

interlock restricted driver's licenses as of the effective date of this provision and to persons whose underlying DUI offenses occurred prior to the effective date of this act, as well as to persons who obtain ignition interlock RDLs on or after the effective date of this provision.

(e) In Sec. 14, 23 V.S.A. § 1209a(b) (reinstatement under Total Abstinence Program) shall apply to persons whose periods of abstinence began prior to the effective date of this provision, as well as to persons who begin a period of abstinence on or after the effective date of this provision. In addition to hardship fee waivers authorized under 23 V.S.A. § 1209a(b), if a person's application for reinstatement under the Program was denied prior to the effective date solely because of use of a drug in accordance with a valid prescription, and the person used the drug in a manner consistent with the prescription label, the Commissioner shall waive the fee for a subsequent application.